

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CHARLES LANGONE, AS FUND  
MANAGER OF THE NEW ENGLAND  
TEAMSTERS AND TRUCKING  
INDUSTRY PENSION FUND

v.

PYTKO CONSTRUCTION CORP.

C.A. No. 04cv12001NMG

AFFIDAVIT OF ROGER N. LEBOEUF, ESQ.

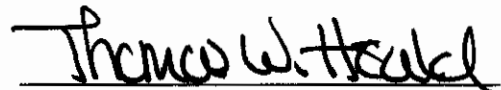
I, Roger N. LeBoeuf, Esq., under oath depose and say as follows:

1. That I am a Shareholder of Heald & LeBoeuf, Ltd., I am an attorney of record in the above noted matter for Defendant, Pytko Construction Corp., and I am familiar with the facts set forth herein.
2. The parties, through counsel, exchanged written settlement offers in letters dated May 16, 2005 and May 23, 2005.
3. A true and accurate copy of my May 24, 2005 letter to Catherine M. Campbell, Esq., without enclosures, is attached hereto as Exhibit "A".
4. A true and accurate copy of Ms. Campbell's June 8 letter to me, without enclosures, is attached hereto as Exhibit "B".
5. A true and accurate copy of my July 13 letter to Ms. Campbell is attached hereto as Exhibit "C".
6. A true and accurate copy of my July 15 fax to Ms. Campbell is attached hereto as Exhibit "D".

7. A true and accurate copy of a Motion For Extension of Time To File Motion For Summary Judgment that I received from Ms. Campbell's office is attached hereto as Exhibit "E".
8. A true and accurate copy of a July 20, 2005 email that I received from Ms. Campbell's office is attached hereto as Exhibit "F".
9. A true and accurate copy of my July 20, 2005 response to Ms. Campbell's email is attached hereto as Exhibit "G".
10. A true and accurate copy of a July 21, 2005 docket entry that was email to me from this Court is attached hereto as Exhibit "H".
11. I did not report the case "settled," and at no time have I advised the Court's ADR program that the case was settled.
12. When I received the July 21, 2005 docket entry, I assumed that the plaintiff had received Pytko's checks and that Ms. Campbell's office reported the case to be settled.

  
Roger N. LeBoeuf, Esq.

Subscribed and sworn to before me in Providence, Rhode Island on  
the 5th day of August, 2005.

  
Notary Public  
My Commission Expires: 9/8/2005